

### REMARKS

1. Claims 1, 15, 21, 22 and 25-36 were pending.
2. Claims 31 and 32 have been amended clarify the structure of the slot.
3. New claims 37-49 correspond to original claims 2-14, which were restricted out by the examiner as being “patentably distinct species”, and were subsequently canceled. Claims 37-49 depend directly or indirectly from claim 1. Claim 1 is directed to an instrument system comprising at least one distractor. Claims 2-14 recite additional elements of the instrument system. It is respectfully submitted that the instrument system of claim 1 is generic, i.e., claim 1 includes no material element additional to those recited in the claims 2-14 or in other words, claims 2-14 contain all the limitations of claim 1. Therefore, upon allowance of claim 1, claims 37-39 should be considered and allowed.
4. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants’ undersigned attorney at his number listed below.
5. No fee is believed to be required for this communication. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this

communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,

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